

### **REMARKS/ARGUMENTS**

Reconsideration of this application in light of the above amendments and following comments is courteously solicited.

Independent claim 83 is drawn specifically to the embodiment of Figure 5 of the instant application. Independent claim 83 sets forth the following features:

- A wind power machine for the production of energy comprising:
  - a pylon;
  - a pylon attachment rotatably seated on the pylon;
  - a rotor element mounted for rotation in the pylon attachment;
  - a plurality of hydraulic pumps mounted in the pylon attachment each pump having an output selectively connected to Y an output line;
  - a gear element positioned between the rotor element and the plurality of hydraulic pumps for drivingly connecting the rotor element to the plurality of hydraulic pumps;
  - control means for selectively connecting the output from one or more of the plurality of hydraulic pumps to the output line as a function of the power output of the rotor element;
  - a plurality of loads each having a connecting means for connecting the plurality of loads to the output line, wherein the loads are subdivided into different power ranges; and
  - a monitoring unit for selectively connecting a load to the output line as a function of the output from the plurality of pumps in the output line, wherein the monitoring unit selectively connects the plurality of loads to the output line as a function of the output from the plurality of pumps in the output line so that rotation speed of the rotor is controlled to optimize power output.

It is respectfully submitted that the sum total teaching of the prior art cited by the examiner fails to teach, disclose,

suggest or render obvious the wind power machine as claimed in independent claim 83.

With regard to the cited prior art references, U.S. Patent 4,498,017 to Parkins is defective in that it fails to disclose a plurality of hydraulic pumps arranged in a pylon attachment as claimed. Furthermore, while the '017 patent does suggest the common rotating shaft for driving a plurality of pumps, the '017 patent does not disclose the control means as claimed. The control means has the specific advantage of insuring that the rotor element rotates at a constant speed regardless of the velocity of the input to the rotor, i.e., how windy it is outside. In this regard please see Page 13 of the instant specification. Furthermore, the '017 patent does not disclose the combination of a plurality of loads connected to the output of the pump with the claimed monitoring unit wherein the loads are subdivided into different power ranges.

The secondary reference cited by the examiner is U.S. Patent 4,008,006 to Bea. The Bea reference teaches the provision of a compressor assembly mounted on a mast. The compressor assembly is so complicated that it requires a forward compressor balancing assembly 12. There is no correlation between the compressor assembly and compressor balancing assembly disclosed in the '006 patent in the plurality of hydraulic pumps as claimed in independent claim 83. The present invention calls for a pylon attachment which is rotatably seated on a pylon wherein a plurality of hydraulic pumps are mounted in the pylon attachment. This structure is not at all shown by the '006 document nor the '092 document.

The tertiary reference cited by the examiner, U.S. Patent 4,149,092 to Cros likewise fails to cure the deficiencies noted above with regard to Parkins and Bea. Cros does teach the provision of a plurality of loads; however, the loads are not subdivided into different power ranges. There is no pylon attachment as claimed nor a plurality of hydraulic pumps mounted in the pylon attachment. Accordingly, claim 83 as presented structurally defines over the cited and applied prior art references.

It is submitted that dependent claims 83-91 contain patentable merit in their own right. In this regard the examiner's attention is specifically drawn to dependent claims 86-91.

In light of the foregoing, it is submitted that all of the claims as pending patentably define over the art of record and an early indication of same is respectfully requested.

An earnest and thorough attempt has been made by the undersigned to resolve the outstanding issues in this case and place same in condition for allowance. If the Examiner has any questions or feels that a telephone or personal interview would be helpful in resolving any outstanding issues which remain in this application after consideration of this amendment, the Examiner is courteously invited to telephone the undersigned and the same would be gratefully appreciated.

It is submitted that the claims as amended herein patentably define over the art relied on by the Examiner and early allowance of same is courteously solicited.

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If any fees are required in connection with this case, it is respectfully requested that they be charged to Deposit Account No. 02-0184.

Respectfully submitted,

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